

EXHIBIT

1



IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

WILSON TOWNSEND,

PLAINTIFF,

VS.

AIG PROPERTY CASUALTY COMPANY,

DEFENDANT.

CV-2022-_____

There may be other entities whose true names and identities are unknown to the plaintiff at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the plaintiff will designate these parties in accordance with ARCP 9(h). The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership any and all types of corporations and unincorporated associations. The symbol by which these parties defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterizations of the symbol applies to more than one "entity". In the present action, the party defendants which the plaintiff must include by descriptive characterization are as follows:

FICTITIOUS DEFENDANTS A, B, and C, being the correct designation of

the corporation or other legal entity)
 otherwise known and doing business as)
 AIG PROPERTY CASUALTY COMPANY,)
)
 DEFENDANT D, E and F the correct)
 designation of those persons, corporations)
 or other legal entities who are obligated to)
 provide UM/UIM motorist coverage to the)
 Plaintiff for the injuries he sustained in the)
 accident of September 19, 2019, as described)
 herein,)
)
 DEFENDANT G, H, and I the correct)
 designation of those persons, corporations)
 or other legal entities whose)
 wrongful conduct contributed to cause)
 the injuries and damages sustained by)
 the Plaintiff (whose true and correct)
 names are unknown to the plaintiff at)
 this time but will be added by)
 amendment when ascertained))

COMPLAINT

STATEMENT OF THE PARTIES

1. The Plaintiff Wilson Townsend is over the age of nineteen years and at all times material herein, is a citizen of the state of Alabama, residing in Madison County, Alabama.

2. The Plaintiff Wilson Townsend alleges that the Defendant AIG Property Casualty Company is a corporation doing business at all times material herein in Alabama, within the jurisdiction of this court, and that said Defendant was providing uninsured/underinsured motorist coverage to the Plaintiff by and through the company

vehicle he was operating for his employer, Schneider Electric USA, Inc., at the time of this collision.

3. The Plaintiff Wilson Townsend further alleges that fictitious Defendants A-I are those persons, corporations or other legal entities whose true and correct names are otherwise unknown to the Plaintiff at this time but will be added by amendment when ascertained.

STATEMENT OF THE FACTS

4. The Plaintiff Wilson Townsend further alleges that on September 19, 2019, at approximately 7:30 a.m., he was on Interstate 565 west near mile marker 1 in Limestone County, Alabama, stopped in traffic. A driver named Caleb Michael Edwards failed to see traffic ahead of him clearly stopped and slammed into the rear of Wilson Townsend's company truck at a high rate of speed, causing a 4-car collision.

5. The Plaintiff Wilson Townsend further alleges that the driver of the vehicle that hit him, Caleb Michael Edwards, was underinsured at the time of this collision and only had minimal limits of liability coverage in the amount of \$25,000.00. The tortfeasor's coverage was offered and the third-party claim has been settled.

6. The Plaintiff Wilson Townsend further alleges that Defendant AIG Property Casualty Company provided automobile insurance coverage to the Plaintiff through his company truck, a 2018 Ford F150, that he was driving at the time of said collision, including uninsured/underinsured motorist coverage.

COUNT ONE**(CLAIM FOR UNINSURED MOTORIST BENEFITS)**

7. The Plaintiff Wilson Townsend adopts by reference each and every allegation set forth in the Statement of the Facts and Statement of the Parties as if fully set out herein.

8. The Plaintiff Wilson Townsend further alleges that underinsured motorist Caleb Michael Edwards had a duty to the Plaintiff and others on the roadway to be safe and careful in the operation of his vehicle on a major and open interstate but breached said duty owed to the Plaintiff and others when he failed to observe traffic clearly stopped on Interstate 565 ahead of him and slammed into the rear of Wilson Townsend's company truck, injuring Mr. Townsend.

9. The Plaintiff Wilson Townsend further alleges that as a direct and proximate result of the aforesaid negligence on behalf of underinsured motorist Caleb Michael Edwards, Wilson Townsend was caused the following injuries and damages, to-wit:

- * He was caused to suffer a greater tuberosity fracture and torn labrum to his left shoulder, requiring surgery;
- * He was caused to suffer two compression fractures to his thoracic spine;
- * He was caused to experience pain and suffering;
- * He was caused to incur hospital, doctor and prescription expenses for the treatment of his injuries; and
- * He was caused to sustain two permanent injuries.

10. The Plaintiff Wilson Townsend brings this cause of action against Defendant AIG Property Casualty Company for all uninsured/underinsured motorist

benefits to which he is entitled on the company truck he was operating at the time of the collision.

WHEREFORE, the Plaintiff Wilson Townsend demands compensatory damages against the Defendant AIG Property Casualty Company and fictitious Defendants A-I whose true and correct names are unknown to the Plaintiff at this time but will be added by amendment when ascertained, in an amount to be determined by this Honorable Court.

/s/ Roger K. Fuston

Roger K. Fuston (FUS002)

Attorney for the Plaintiff

OF COUNSEL:

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SERVE DEFENDANTS BY CERTIFIED MAIL AS FOLLOWS:

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